

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In the matter of:

CASE NO. 10-07347 MCF

MARIA DE LOURDES COSME HERNÁNDEZ

CHAPTER 13

Debtor

**ANSWER TO OBJECTION TO CLAIM 8 FILED BY CRIM AND OBJECTION TO
CONFIRMATION OF AMENDED PLAN AT DOCKET NUMBER 27**

TO THE HONORABLE COURT:

COMES NOW creditor Municipal Revenue Collection Center, known in Spanish as *Centro de Recaudación de Ingresos Municipales* (“CRIM”) through undersigned counsel and respectfully states and prays:

1. By motion dated and filed March 3, 2011, docket number 38, Debtor objected claim number 8 filed by CRIM claiming payment of real property tax over the following real estate¹: Urb. Parque Interamericana Calle 1 Solar 47, Guayama, Puerto Rico, cadaster number 442-013-554-10-000.

2. Debtor alleges that the above mentioned property does not belong to her but to her mother, and consequently debtor is not the responsible person to pay these taxes. On the other hand, Debtor in her Amended Plan dated 11/13/2011² at docket number 27 specifically states that she “consent[s] to the lift of the automatic stay in favor of CRIM over property located in Guayama Puerto Rico”. In CRIM’s records, Debtor has no other real property in Guayama.

3. Debtor did not accompany with her Objection to Claim documentation

¹ The real property tax is secured since it is a statutory lien pursuant to Article 200 of the Puerto Rico Mortgage Act, 30 L.P.R.A. § 2651 and Article 3.30 of the Municipal Property Tax Act of 1991, Act Number 83 of August 30, 1991, 21 L.P.R.A. § 5080.

² Apparently it should read 1/13/2011.

which would show the veracity of her assertion. Furthermore, in CRIM's records Debtor appears as 100% owner of this property. Based on this, Debtor's objection should be denied.

3. In addition to the above, CRIM does not accept the confirmation of the above stated plan³ since the provision for this secured claim does not comply with section 1325 (a)(5)(B)(ii). Therefore CRIM objects to the confirmation of the plan.

WHEREFORE, it is requested from this Honorable Court to accept this answer, ALLOW creditor CRIM's claim number 8 as filed, DENY confirmation of the amended plan at docket number 27 and issue any further order as it may deem just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I electronically filed the foregoing *Answer* with the Clerk of the Court using the CM/ECF System which will send notification of such filing to:

- MONSITA LECAROS ARRIBAS ustpregion21.hr.ecf@usdoj.gov
- ALEJANDRO OLIVERAS RIVERA aorecf@ch13sju.com
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- MIRIAM D SALWEN ACOSTA aorecf@ch13sju.com

³ As of now, this plan was the last plan filed in this case. In docket number 37 a plan was filed related to a different Debtor and case.

- VANESSA M TORRES QUINONES mbaldera@martineztorreslaw.com, jrco@martineztorreslaw.com;vtorres@martineztorreslaw.com;tvazquez@martineztorreslaw.com;quiebrasmt@gmail.com
- WALLACE VAZQUEZ SANABRIA walvaz@prtc.net

I FURTHER CERTIFY that I have served copy of this document by mail through the United States Postal Service to the following non CM/ECF participant: Debtor **María de Lourdes Cosme Hernández**, P.O. Box 50955, Toa Baja, Puerto Rico 00750.

In San Juan, Puerto Rico, this 4th day of March, 2011.

s/ Carmen Priscilla Figueroa

Carmen Priscilla Figueroa

U.S.D.C.P.R. #128209

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